

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OWEN W. BARNABY,

Plaintiff,

v.

Case No. 22-cv-12387
Hon. Matthew F. Leitman

MICHIGAN STATE
GOVERNMENT, et al.,

Defendants.

ORDER GRANTING PLAINTIFF
LEAVE TO FILE AN AMENDED COMPLAINT

On October 7, 2022, Plaintiff Owen W. Barnaby filed this *pro se* action against the State of Michigan, Niles Charter Township, the Berrien County local government, and a number of state and local government officials. (See Compl., ECF No. 1). In his complaint, Barnaby alleges that the Defendants engaged in “wrongful foreclosure, intentionally wrongful foreclosure and or foreclosure by forgery” involving property that he owned. (*Id.* at ¶ 17, PageID.5.) According to Barnaby, the Court has jurisdiction “under the provisions of Sections 1331, 1343(3) and 1367(a) of Title 28 and Sections 1983 and 1988 of Title 42 of the United States Code and the Fourth, Fifth and Fourteenth Amendments.” (*Id.* at ¶ 12, PageID.4.)

Rule 12(b)(6) of the Federal Rules of Civil Procedure authorizes a court to dismiss a lawsuit if it “fails to state a claim upon which relief can be granted.” Fed. R. Civ. P. 12(b)(6). Rule 8(a) requires that the plaintiff’s pleadings contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). This standard requires plaintiffs to provide “more than labels and conclusions, and a formulaic recitation of the elements of a cause of action” in support of their claims for relief. *Albrecht v. Treon*, 617 F.3d 890, 893 (6th Cir. 2010) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 554, 555 (2007)).

Barnaby has failed to plead any viable claims in his Complaint. He does not make a single allegation concerning any act or omission by any particular Defendant. Nor does he plead a single fact showing why any foreclosure against his property was allegedly unlawful. Instead, Barnaby simply identifies the Defendants, identifies one parcel of real property that the Defendants allegedly “stole,” and says he is bringing federal and state claims against the Defendants.

Rather than dismissing Barnaby’s Complaint, the Court **GRANTS** Barnaby leave to file an Amended Complaint. In that Complaint, he shall plead facts showing, on a Defendant-by-Defendant basis, how each Defendant violated his federal or state rights, and he shall plead facts showing why any foreclosure of his real property was unlawful. Barnaby shall file his Amended Complaint by

November 11, 2022. If Barnaby fails to file an Amended Complaint, the Court will dismiss this action.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: October 13, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 13, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126